

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LINDA GARDNER, INDIVIDUALLY, ET AL §
§
§
Plaintiffs, § Civil Action No. 6:10-cv-00820
vs. § MCA-KBM
§
PILATUS AIRCRAFT, LTD., ET AL §
§
Defendants. §

FINAL AGREED THIRD AMENDED
SCHEDULING ORDER

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. § 473(a)(l), this case is assigned to a "**COMPLEX**" track classification.

Accordingly, Third Party Joinder, if any, is to be done no later than **MAY 15, 2012**, but in no event shall such joinder delay the trial.

The next plane inspection shall take place no later than **JANUARY 31, 2013**.

The parties may agree to mediation at any time, but shall initiate mediation no later **MAY 31, 2013**.

The termination date for FACT discovery (non-expert liability and damages fact discovery, including identification and depositions of all fact and 30(b)(6) witnesses) is **MAY 31, 2013**, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause or upon agreement

by counsel, which shall not be unreasonably withheld. This deadline shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties no later than **MAY 31, 2013**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

Plaintiff shall identify to all parties in writing any expert witness to be used by Plaintiff at trial and to provide expert reports pursuant to FED. R. CIV. P. 26(a)(2)(B), and provide dates for expert depositions, no later than **MARCH 25, 2013**, except that if a fact witness deposed after March 25, 2013, raises an issue not previously addressed in such expert reports, those reports may be supplemented accordingly on or before **JUNE 7, 2013**.

All other parties shall identify in writing any expert witness to be used by such parties at trial and to provide expert reports pursuant to FED. R.CIV. P. 26(a)(2)(B), and provide dates for

expert depositions, no later than JUNE 24, 2013. Any supplemental and/or rebuttal expert opinions shall be set forth in a written report and provided no later than JULY 12, 2013. The depositions of experts shall take place between JULY 15, 2013 through SEPTEMBER 30, 2013.

Any dispositive and/or *Daubert* motions shall be filed with the Court and served on opposing party by OCTOBER 21, 2013. By agreement of counsel, the parties agree to waive D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies with respect to these motions, alone. Accordingly, responses in opposition to any dispositive and/or *Daubert* motions shall be filed no later than NOVEMBER 11, 2013. Any reply briefs related to dispositive and/or *Daubert* motions shall be filed by NOVEMBER 25, 2013.

If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

The Court will, by separate notice, set the Trial date, the date of the Pretrial Conference, Call of Calendar, the date related to submission of the Consolidated Pretrial Order and other pretrial settings/hearings as may be required. Counsel are directed that the

Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

Signed this the 17th day of January, 2013.



HONORABLE KAREN B. MOLZEN
U.S. CHIEF MAGISTRATE JUDGE